

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.120

**Civil Writ Petition No.8161 of 2022
Date of Decision : April 22, 2022**

Hughes Communications India Pvt. Ltd.

...Petitioner

Versus

Municipal Corporation of Gurugram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.K. Chopra, Senior Advocate with
Mr. Dharmesh Misra, Advocate
Ms. Rupa Pathania, Advocate and
Mr. B.S. Nahar, Advocate, for the petitioner.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Samarth Sagar, Advocate,
for the respondents.

SUDHIR MITTAL, J. (ORAL)

The petitioner has applied for renewal of a fire NOC but the same has been rejected as reflected in the updated status on the website of the Municipal Corporation, Gurugram on the ground of non-provision of a valid lease deed. Thus, this writ petition has been filed.

It is the contention of learned Senior Counsel for the petitioner that a fire NOC can be obtained by an occupier as defined in Section 2(q) of the Haryana Fire Service Act, 2009 as amended till date. The said definition includes a person who is in possession paying rent or liable to pay rent and thus, submission of a lease deed is not necessary. Further, it has been submitted that there is a dispute between the petitioner and the owner of the property and the same is pending before the Courts of law. Under orders of the Hon'ble Supreme Court of India, the monthly rent is being deposited in

this Court and same is being withdrawn by the land owner. The said rent is in accordance with a lease deed executed by the owner. A copy of the said lease deed has also been supplied and thus, the impugned order cannot be sustained in law.

Learned State counsel on instructions from Sh. Gulshan Kalra, Deputy Director, Municipal Corporation, Gurugram submits that the status update dated 10.12.2021 is actually not an order of rejection. It is in fact an objection as is evident from communication dated 11.12.2021. Prior thereto, a communication dated 07.10.2021 was sent to the petitioner to clarify why no NOC was taken after 2012-13 and vide communication dated 02.11.2018, a clearance report regarding distance from the ammunition depot was sought. He, however, does not dispute that the petitioner is entitled to issuance of NOC on submission of all relevant documents.

Accordingly, the writ petition is allowed and impugned status dated 10.12.2021 (Annexure P-) is quashed. The petitioner is permitted to approach respondent No.2 once again whereupon any objections to the application be provided in writing within seven days of receipt of the application. The petitioner would be at liberty to point out that the documents sought by way of objections have already been supplied along with the requisite proof. A decision be taken within a further period of two weeks. Meanwhile, no coercive steps shall be taken.

April 22, 2022*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No